

EXHIBIT G

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)	
Term Parole Consideration)	CDC Number H-74168
Hearing of:)	
)	
JUAN CHAVEZ)	
_____)	

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

MARCH 5, 2007

2:32 P.M.

PANEL PRESENT:

Stan Kubochi, Presiding Commissioner
Robert Harmon, Deputy Commissioner

OTHERS PRESENT:

Juan Chavez, Inmate
Richard Rutledge, Attorney for Inmate
Don Eastman, Deputy District Attorney
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

TAMYRA MORGAN
NORTHERN CALIFORNIA COURT REPORTERS

ii

INDEX

	<u>Page</u>
Proceedings.....	1
Case Factors.....	11
Pre-Commitment Factors.....	13
Post-Commitment Factors.....	18
Parole Plans.....	16
Closing Statements.....	47
Recess.....	54
Decision.....	55
Adjournment.....	61
Transcriber Certification.....	62

--oOo--

1 P R O C E E D I N G S

2 **DEPUTY COMMISSIONER HARMON:** And you're on
3 record.

4 **PRESIDING COMMISSIONER KUBOCHI:** Hello. This is
5 a Subsequent Parole Consideration Hearing for Juan
6 Chavez, CDC number H-74168. Today's date is March 5th.
7 It's approximately 2:32 p.m. We are at the California
8 Correctional Training Facility at -- near Soledad,
9 California. Excuse me. I forgot to hand this to you.
10 Could you please review the document checklist as well
11 as kind of slide it right there, 1073 Form near your
12 client. Mr. Chavez, I want to clarify a couple
13 preliminary matters in that we have a summary of your
14 progress for 2006. And my personal practice is to
15 allow you to provide any approval updates specifically
16 as to work assignment, academic progress, self-help,
17 self-study, group therapies in order for you to feel
18 comfortable that you've provided this Panel with all
19 updated information, okay?

20 **INMATE CHAVEZ:** Yes, Sir.

21 **PRESIDING COMMISSIONER KUBOCHI:** I have received
22 a letter from your brother, Herman Hoyos, H-O-Y-O-S --

23 **INMATE CHAVEZ:** Yes, Sir.

24 **PRESIDING COMMISSIONER KUBOCHI:** -- that this
25 Panel will consider. In regard to any other letters of
26 support, clearly you have a right to present documents
27 on your behalf. I would direct you work with your

1 attorney. If there are any letters of support that
2 this Panel does not received, I will allow you to make
3 a verbal offer of proof as to whom would have been the
4 author of those letters. And based on the last
5 conversation with that person, what the letters would
6 have stated and advised us of. And that way you will
7 be assured that this Panel has all the current
8 information necessary to review your suitability. Is
9 that agreeable, sir?

10 **INMATE CHAVEZ:** Yes, Sir.

11 **PRESIDING COMMISSIONER KUBOCHI:** Because it's my
12 understanding that your hearing was set for this week,
13 and it is your desire to proceed with this hearing with
14 the knowledge that this Panel does not have a 2007
15 Board report from your correctional -- your current
16 correctional counselor.

17 **INMATE CHAVEZ:** Yes, Sir.

18 **PRESIDING COMMISSIONER KUBOCHI:** But I have
19 noted prior decisions that didn't influence me one way
20 or the other, but in regard to what they recommended
21 and what their findings were as well as other Board
22 reports. And like I said, I'm comfortable proceeding
23 with your updates in regard to any of the information
24 that Commissioner Harmon covers because he does
25 post-conviction factors. In other words, let's say
26 hypothetically if you're current job or work assignment
27 is different than the 2006 chrono, feel free to tell us

1 what that is.

2 **INMATE CHAVEZ:** Yes, Sir.

3 **PRESIDING COMMISSIONER KUBOCHI:** Your
4 schedule -- Your hearing was scheduled for Friday at
5 8:30; however, because of a postponement of another
6 case, we are filling the time slot at this point in
7 time and that's agreeable with you.

8 **INMATE CHAVEZ:** Yes, Sir.

9 **PRESIDING COMMISSIONER KUBOCHI:** Okay. Our
10 information and I am going to state some basic
11 information. It is background information. If you
12 feel that there's a need to correct any of the
13 information that either I state for the record or that
14 Commissioner Harmon states for the record, you will be
15 given an opportunity to do so. Clearly, you will also
16 have an opportunity to confer with your attorney,
17 Mr. Rutledge. All I ask of you is that you wait for a
18 pause in the current speakers discussion because these
19 proceeding will be transcribed and the court reporter
20 can't -- cannot comprehend two voices speaking at once
21 and make an accurate record of this case. Okay, so
22 just kind of wait for a pause such as your life began
23 on or about April 23rd or April 24th, 1993. If that's a
24 misstatement, you'll be given a chance to correct us
25 with that. But that information is simply background
26 in these proceedings. Your Minimum Eligible Parole
27 Date was November 30th, 2002. And it appears that your

1 controlling offense was for violation of count one,
2 Penal Code Section 187, that's murder in the second
3 degree, and that the docket number was NA13974, for
4 which you received a term of 15 years to life. So,
5 because this proceeding will be transcribed, for the
6 purposes of voice identification for the transcriber,
7 we're going to go around to my left and identify
8 ourselves. We're going to state our first name, spell
9 our last name. And when it comes to your turn, please
10 spell your last name, but add your CDC number. My name
11 is Stan Kubochi, K-U-B-O-C-H-I, Commissioner.

12 **DEPUTY COMMISSIONER HARMON:** Robert Harmon,
13 H-A-R-M-O-N, Deputy Commissioner.

14 **DEPUTY DISTRICT ATTORNEY EASTMAN:** Don Eastman,
15 Deputy District Attorney, Los Angeles County.

16 **ATTORNEY RUTLEDGE:** Richard Rutledge,
17 R-U-T-L-E-D-G-E, Counsel for Mr. Chavez.

18 **INMATE CHAVEZ:** Inmate Chavez, Juan Chavez,
19 C-H-A-V-E-Z, CDC number H-74168.

20 **PRESIDING COMMISSIONER KUBOCHI:** In addition,
21 there are two officers here for security purposes, and
22 they are non-participants. Before we begin the actual
23 hearing, sir, I have to review your rights pursuant to
24 the Americans with Disabilities Act, which requires the
25 Board of Parole Hearings to accommodate any physical
26 disabilities that could prevent you from effectively
27 communicating with this Panel. I note that last year,

1 a correctional counselor reviewed your Central File
2 with you, and that they -- Could you please advise me
3 because the form is on your side of the table whether
4 or not the correctional counselor noted any
5 disabilities that would preclude you from participating
6 in the hearing?

7 **INMATE CHAVEZ:** No disabilities at all.

8 **PRESIDING COMMISSIONER KUBOCHI:** Okay. Did you
9 sign that form also?

10 **INMATE CHAVEZ:** Yes, I did.

11 **PRESIDING COMMISSIONER KUBOCHI:** And there's a
12 checked box in regard to whether or not you believe
13 that you need assistance to conduct this hearing?

14 **INMATE CHAVEZ:** Yes, there is.

15 **PRESIDING COMMISSIONER KUBOCHI:** And what
16 checked box did you want?

17 **INMATE CHAVEZ:** I do not need any help with a
18 parole hearing.

19 **PRESIDING COMMISSIONER KUBOCHI:** Okay.
20 Mr. Chavez, do you need -- excuse me. Do you have any
21 hearing impairments?

22 **INMATE CHAVEZ:** No, I don't.

23 **PRESIDING COMMISSIONER KUBOCHI:** Do you have any
24 vision problems?

25 **INMATE CHAVEZ:** No, I do not.

26 **PRESIDING COMMISSIONER KUBOCHI:** What was your
27 highest grade school that you accomplished either

1 outside or inside of prison?

2 **INMATE CHAVEZ:** Tenth grade and my GED.

3 **PRESIDING COMMISSIONER KUBOCHI:** And what year
4 did you get your GED, sir?

5 **INMATE CHAVEZ:** In 1992.

6 **PRESIDING COMMISSIONER KUBOCHI:** And you have no
7 problems reading documents without glasses?

8 **INMATE CHAVEZ:** Not at all.

9 **PRESIDING COMMISSIONER KUBOCHI:** And I saw -- I
10 noticed you walking to this hearing. You have no
11 problems walking?

12 **INMATE CHAVEZ:** None at all.

13 **PRESIDING COMMISSIONER KUBOCHI:** And going
14 upstairs?

15 **INMATE CHAVEZ:** No.

16 **PRESIDING COMMISSIONER KUBOCHI:** Among your
17 rights, you have the right to review your Central File.
18 Were you physically able to do so?

19 **INMATE CHAVEZ:** Yes, Sir.

20 **PRESIDING COMMISSIONER KUBOCHI:** Thank you very
21 much. In the last year, have you been prescribed any
22 medications that could affect your ability to think
23 clearly today?

24 **INMATE CHAVEZ:** None whatsoever.

25 **PRESIDING COMMISSIONER KUBOCHI:** Counsel, are
26 there any ADA issues that you wish this Panel would
27 address at this time?

1 **INMATE CHAVEZ:** No, Commissioner.

2 **PRESIDING COMMISSIONER KUBOCHI:** Thank you.

3 Sir, this hearing is being conducted pursuant to the
4 Penal Code and the rules and regulations of the Board
5 of Parole Hearings governing Parole Considerations for
6 life inmates. The purpose of today -- today's hearing
7 is to once again consider your suitability for parole.
8 In doing so, we will consider the facts of the
9 underlying crimes that resulted in the life commitment;
10 thank you; any prior record if any, personal history
11 facts, personal social history facts before your
12 incarceration, and also your parole plans.
13 Commissioner Harmon will review your post conviction
14 factors. And as I've indicated, feel free to tell us
15 the most current information. This is your hearing and
16 it is very important for us to make a decision that is
17 based on information that you believe is not only
18 accurate but also current especially when it comes to a
19 change in parole plans because I've looked through the
20 records, and it's a changed a little bit. But that's
21 to be expected because life out on the street changes,
22 so we don't hold that against you. We just want to
23 know what your current plans are when that topic
24 arises, Mr. Chavez.

25 **INMATE CHAVEZ:** Yes, Sir.

26 **PRESIDING COMMISSIONER KUBOCHI:** We will reach a
27 decision today and inform you of whether or not we find

1 you suitable for parole and the reasons for our
2 decision. If you are found suitable for parole, the
3 length of your confinement will be explained to you.
4 Before we recess for deliberations, the District
5 Attorney's representative, Mr. Eastman, your attorney,
6 and you will be given the opportunity to make a final
7 statement regarding your parole suitability. Your
8 statement shall be limited as to why you feel you are
9 suitable for release. We will then recess, clear the
10 room, and deliberate. Once we have completed our
11 deliberations, we will resume and announce our
12 decision. The California Code of Regulations states
13 that regardless of time served, a life inmate shall be
14 found unsuitable for and denied parole if in the
15 judgment of the Panel the inmate would pose an
16 unreasonable risk of danger to society if released from
17 prison. Sir, I've already indicated you have a right
18 to review your Central File before this hearing, and
19 you've indicated that you have had that opportunity.
20 In addition, you have the right to a timely notice of
21 this hearing. Did you receive timely notice?

22 **INMATE CHAVEZ:** Yes, I did.

23 **PRESIDING COMMISSIONER KUBOCHI:** And in addition
24 as I've indicated at the outset of this hearing, you
25 have the right to present all relevant documents that
26 you believe will support your suitability. And I've
27 indicated to you in the event that some people that you

1 have previously talked to you about sending in letters
2 of support or personal reference, and you didn't
3 receive it, I'm going to give you an opportunity to
4 identify who that person was based on your
5 conversations and tell us what that letter would have
6 stated in your behalf. In addition, sir, you have a
7 right to be heard by an impartial Panel. Do you
8 understand that right?

9 **INMATE CHAVEZ:** By an impartial Panel?

10 **PRESIDING COMMISSIONER KUBOCHI:** Impartial
11 Panel. It is a Panel of Commissioners who has no
12 biases against you. You have that right. Do you
13 understand that right?

14 **INMATE CHAVEZ:** Yes, Sir.

15 **PRESIDING COMMISSIONER KUBOCHI:** Are you
16 prepared to proceed with Commissioner Harmon and myself
17 today?

18 **INMATE CHAVEZ:** Yes, Sir.

19 **PRESIDING COMMISSIONER KUBOCHI:** Sir, we have
20 advised you that we will reach a decision today. You
21 will receive a copy of our written decision today.
22 That decision is tentative and does not become final
23 within 120 days. A copy of the decision and a copy of
24 the transcript will be delivered to you. In regard to
25 any appeal rights, I would advise you to discuss with
26 your attorney as to what rights (inaudible) experienced
27 in this regard of any appeal rights. The Board has

10

1 eliminated its appeal process. Sir, you are not
2 required to admit or discuss your offense. However,
3 this Panel does accept as true the findings of the Los
4 Angeles County Superior Court. Do you understand that?

5 **INMATE CHAVEZ:** Yes, Sir.

6 **PRESIDING COMMISSIONER KUBOCHI:** We're not here
7 to relitigate your case. Do you understand that?

8 **INMATE CHAVEZ:** Yes, Sir.

9 **PRESIDING COMMISSIONER KUBOCHI:** The District
10 Attorney is permitted to ask questions, but he asks the
11 questions to this Panel and you'll answer up to this
12 Panel. This is not adversarial. He's not allowed to
13 ask you questions directly. Commissioner Harmon, is
14 there any confidential material that will be used in
15 our deliberations today?

16 **DEPUTY COMMISSIONER HARMON:** Now there is
17 confidential information in his file, and no, it won't
18 be utilized in today's hearing.

19 **PRESIDING COMMISSIONER KUBOCHI:** Mr. Chavez,
20 I'll give a hearing checklist to you -- your attorney.
21 He's handed it over to the DA. And the purpose of that
22 is to assure you that everybody in this room is
23 operating on the same set of facts. Everybody here is
24 prepared to accept your current statements as to what
25 your progress was in the last year. Do you understand
26 that?

27 **INMATE CHAVEZ:** Yes, Sir.

1 **PRESIDING COMMISSIONER KUBOCHI:** That checklist
2 would be marked Exhibit One. Sir, do you intend to
3 talk about the life crime with us?

4 **INMATE CHAVEZ:** Yes, I do.

5 **PRESIDING COMMISSIONER KUBOCHI:** Okay. Would
6 you raise your right hand, please? Do you solemnly
7 swear or affirm that this testimony that you give at
8 this hearing will be the truth, the whole truth, and
9 nothing but the truth?

10 **INMATE CHAVEZ:** Yes, I do.

11 **PRESIDING COMMISSIONER KUBOCHI:** I will now read
12 a Statement of Facts into the record, and those facts
13 for your Counsel will be taken from the probation
14 report file with the Los Angeles County Superior Court.
15 It states that in count one Mr. Chavez was accused of
16 the crime of murder; the murder of Sonia, S-O-N-I-A,
17 Sanchez, S-A-N-C-H-E-Z, as follows:

18 "Inmate and Ms. Sanchez were involved in a
19 relationship. The victim and Ms. Sanchez
20 were present at a party. The defendant --
21 The inmate and Ms. Sanchez had agreed to
22 meet at that party at some point in time
23 at some specific location. Items of
24 clothing were removed. There appeared to
25 have been sexual intercourse. An argument
26 ensued and the victim choked to death."

27 According to court documents the other Board reports,

1 your client indicated that he had blacked out. When he
2 awoke, the victim was dead. The coroner's report
3 verified that the victim died of strangulation. That
4 is a very essential Statement of Facts. That's a
5 starting point, Mr. Chavez.

6 **ATTORNEY RUTLEDGE:** Commissioner, could I
7 interject? When you read that Statement of Facts, you
8 indicated that they actually had completed having
9 sexual intercourse, and the record that I have shows
10 that they were preparing to have sexual intercourse.

11 **PRESIDING COMMISSIONER KUBOCHI:** That's correct.

12 **ATTORNEY RUTLEDGE:** Okay, thank you.

13 **PRESIDING COMMISSIONER KUBOCHI:** It is done in
14 such a conclusionary manner that I was paraphrasing in
15 that I have also read Board reports, et cetera. The
16 specific statement was as the defendant and victim had
17 removed some clothing, and was preparing to have sexual
18 intercourse, an argument ensued, and the defendant
19 choked the victim. The defendant blacked out. And
20 when defendant awoke, the victim was dead. That is the
21 exact statement. There are more details in the Board
22 report, as they are permitted to glean all the
23 documents through the defendant's -- in the inmate's
24 prior background to come up with the Board reports and
25 not just, however, for accuracy purposes. I chose to
26 just have that short statement read into the record.
27 It appears based on the probation report, that the

13

1 inmate advised probation verbally (inaudible), in the
2 narrative that he was arrested for shoplifting at the
3 age 13. That he went to a camp called Mira Loma for
4 six weeks. At age 15, he was sent away to a camp for
5 PCP use. As an adult in November 1981, he was arrested
6 for a burglary, violation of Section Penal Code 459.
7 That case was resolved as a 459 misdemeanor. That is
8 burglary and 459 of the Penal Code. He was placed on
9 probation for 36 months and was given a period in jail.
10 In regard to personal history, and I'm reading from the
11 older Board report, Counsel, specifically April of
12 2002. It says that Mr. Chavez was born to Jose and
13 Gloria Rodriguez, spelled R-O-D-R-I-Q-U-E-Z, on July
14 3rd, 1968. His father was a welder and his mother sold
15 Avon cosmetics. He has four brothers and sisters, and
16 at the time of the commitment, had fathered four
17 children. He had never legally been married. That he
18 had a common law relationship. Sir, you can correct
19 me. I'm just reading and I have to paraphrase because
20 the grammar used indicates that you had had a
21 relationship with Evelyn Carpio (phonetic)?

22 **INMATE CHAVEZ:** No. Yes, Sir. The part about
23 my father --

24 **PRESIDING COMMISSIONER KUBOCHI:** Yes?

25 **INMATE CHAVEZ:** -- that's my stepfather.

26 **PRESIDING COMMISSIONER KUBOCHI:** Okay.

27 **INMATE CHAVEZ:** That was my stepfather and not

1 my birth father.

2 **PRESIDING COMMISSIONER KUBOCHI:** That father was
3 a welder.

4 **INMATE CHAVEZ:** Yes, Sir.

5 **PRESIDING COMMISSIONER KUBOCHI:** And your
6 relationship was with Evelyn Carpio?

7 **INMATE CHAVEZ:** Yes, Sir.

8 **PRESIDING COMMISSIONER KUBOCHI:** Between '86 and
9 '92?

10 **INMATE CHAVEZ:** Yes, Sir.

11 **PRESIDING COMMISSIONER KUBOCHI:** Okay. Thank
12 you for making that correction. I don't want to
13 have -- I'm only reading the Board report as background
14 and I want you to feel that you have a fair hearing and
15 that it's based on accurate information.

16 **INMATE CHAVEZ:** Yes, Sir.

17 **PRESIDING COMMISSIONER KUBOCHI:** That
18 relationship was between 1986 and 1992. The Board
19 report mentions an Emelda Montes, M-O-N-T-E-S.

20 **INMATE CHAVEZ:** Yes, Sir.

21 **PRESIDING COMMISSIONER KUBOCHI:** Was that a
22 separate relationship?

23 **INMATE CHAVEZ:** Yes, it was.

24 **PRESIDING COMMISSIONER KUBOCHI:** And that was
25 approximately from 1990 to 1993.

26 **INMATE CHAVEZ:** Yes, Sir.

27 **PRESIDING COMMISSIONER KUBOCHI:** That

1 relationship lasted through your commitment to state
2 prison?

3 **INMATE CHAVEZ:** Yes, it did. We are still
4 friends as of today.

5 **PRESIDING COMMISSIONER KUBOCHI:** Okay. And
6 that's the purpose of having this dialogue. I'm trying
7 to blend the past into the present as best as possible.
8 You had told your correctional counselor back in
9 (inaudible) 2002, that you did not have any abuse
10 within the family, and that you had some discussion
11 with both the probation department and correctional
12 counselors in the institution that before your
13 incarceration you had used illegal drugs.

14 **INMATE CHAVEZ:** Yes, Sir.

15 **PRESIDING COMMISSIONER KUBOCHI:** Okay, and two
16 in particular were (inaudible) cocaine and marijuana.

17 **INMATE CHAVEZ:** Yes, Sir.

18 **PRESIDING COMMISSIONER KUBOCHI:** There's also a
19 mention there was past use of PCP.

20 **INMATE CHAVEZ:** Yes, Sir.

21 **PRESIDING COMMISSIONER KUBOCHI:** Sir, since your
22 incarceration, has your children -- any of your
23 children had contact with you either by phone, letter,
24 or personal visit?

25 **INMATE CHAVEZ:** Yes, Sir. I have my son that I
26 have with Emelda Montes visits roughly about three
27 times a year. My other three children they write to me

1 from time to time and I called at least once a year
2 over the phone.

3 **PRESIDING COMMISSIONER KUBOCHI:** Sir, in regard
4 to your parole plans, and I realize that we're trying
5 to go over past plans and I then I want you to work
6 forward. Like I said, I'm holding any changes against
7 you. I simply want -- I just simply need a starting
8 point to make that type of evaluation. Okay, back in
9 '90 -- Back in 2002, you had hoped to live with your
10 fiancée --

11 **INMATE CHAVEZ:** Yes, Sir.

12 **PRESIDING COMMISSIONER KUBOCHI:** -- if paroled.

13 **INMATE CHAVEZ:** She got sick and couldn't handle
14 the pressure from being at Board and (inaudible) and
15 whatnot. So we decided just to be friends. And I made
16 new parole plans to move in with my younger brother and
17 his family in Southern California.

18 **PRESIDING COMMISSIONER KUBOCHI:** Yes, I did note
19 that. The most recent information was that you would
20 like to live with your brother, Mr. Frank Hennings
21 (phonetic).

22 **INMATE CHAVEZ:** Yes, Sir, correct.

23 **PRESIDING COMMISSIONER KUBOCHI:** He lives in
24 Azusa, California.

25 **INMATE CHAVEZ:** Yes, Sir.

26 **PRESIDING COMMISSIONER KUBOCHI:** And the letter
27 received in 2007 from Herman Hoyos indicates that he

17

1 can offer you full support and that he has a job
2 waiting for you with a roofing company with whom he is
3 employed.

4 **INMATE CHAVEZ:** Yes, Sir.

5 **PRESIDING COMMISSIONER KUBOCHI:** Is that
6 correct, sir?

7 **INMATE CHAVEZ:** Yes, Sir. That is my older
8 brother. My last meeting they told me to have plan B
9 parole plans, so I do so.

10 **PRESIDING COMMISSIONER KUBOCHI:** And what is
11 another plan because I didn't ask you about -- I know
12 Mr. Hennings, but was there any employment related to
13 Azusa, California.

14 **INMATE CHAVEZ:** With my younger brother,
15 Mr. Hennings, I was going to go work with him at the
16 company he works for.

17 **PRESIDING COMMISSIONER KUBOCHI:** Which would be?

18 **INMATE CHAVEZ:** It's a like a little (inaudible)
19 type bakery and factory where they do -- he does
20 mechanic work and electric -- electrical work for the
21 company. And I was going to be hired as a maintenance
22 worker.

23 **PRESIDING COMMISSIONER KUBOCHI:** Okay. Thank
24 you very much. At this time, Commissioner Harmon will
25 discuss post-conviction factors with you.

26 **DEPUTY COMMISSIONER HARMON:** Yes. Good
27 afternoon.

18

1 **INMATE CHAVEZ:** Good afternoon.

2 **DEPUTY COMMISSIONER HARMON:** Let's just make
3 sure the record is correct. Listen carefully. I'll
4 draw out some information here. It does show that your
5 last hearing was April 12th of '06. At that time, you
6 received a one-year denial. That was subsequent
7 hearing number one. You were received at CTF July 2nd,
8 1998, from Lancaster. Custody level today is Medium A.
9 Your revised Class Score is 19. Does that all sound
10 right to you?

11 **INMATE CHAVEZ:** Yes, Sir.

12 **DEPUTY COMMISSIONER HARMON:** Okay. I don't have
13 your counselor's report to bring me up to date other
14 than the C-File, so maybe what you could tell me is
15 over the last year specifically what activities have
16 you been doing and been involved with?

17 **INMATE CHAVEZ:** I've been active in AA and NA.
18 I have some updated chronos in there, which should be
19 in my C-File as well.

20 **DEPUTY COMMISSIONER HARMON:** Yes, I think I have
21 those. I've got one as recently as January of '07.

22 **INMATE CHAVEZ:** Yes, Sir. I also completed an
23 Anger Management Class and self-help classes in PIA
24 Wood Products Company that I work for, which I have a
25 copy of right here.

26 **DEPUTY COMMISSIONER HARMON:** Okay.

27 **PRESIDING COMMISSIONER KUBOCHI:** What date was

1 that, sir?

2 **INMATE CHAVEZ:** This is January 19th, 2007.

3 **DEPUTY COMMISSIONER HARMON:** Thank you. Go
4 ahead and keep talking. I've got -- I've got this,
5 okay.

6 **INMATE CHAVEZ:** I have a letter that comes from
7 PIA because they provide us a lot of information for
8 parole plans and for self-help programs and companies
9 that are all involved with PIA Wood Products for when
10 if you parole. Charley Walker, which is the
11 superintendent -- Superintendent I, they have a Lifer
12 Program out there where we take a class for Anger
13 Management every three months. We take an evaluation
14 at work for our job skills. And upon parole, they
15 provide us with all information including companies
16 that will hire us if we are certified with them, which
17 I have a certification of completion in here.

18 **DEPUTY COMMISSIONER HARMON:** Stay within the
19 last year. Are you going into welding right now?

20 **INMATE CHAVEZ:** No. No. No. This is all from
21 Wood Products. These are all from the Wood Products in
22 PIA where I work at. I've been working there since
23 2003.

24 **DEPUTY COMMISSIONER HARMON:** Okay.

25 **INMATE CHAVEZ:** That's the -- all the latest
26 information I have is from PIA Wood Products,
27 certificates, and chronos. Anger management is

1 provided -- is provided from the PIA. Since I moved
2 over to the east dorm in 2003, I've been working in
3 Wood Products as a Finishing Sander building and hand
4 finishing furniture. I have all my -- all my
5 certificates in there from Welding, which was one of
6 the skills that I was providing for myself to have a
7 job option upon release.

8 **DEPUTY COMMISSIONER HARMON:** Okay.

9 **INMATE CHAVEZ:** But most likely when I get out
10 on release, I'll be working in roofing with my older
11 brother, Herman Hoyos.

12 **DEPUTY COMMISSIONER HARMON:** Okay. These
13 certificates you gave me from PIA shows 1,500-plus
14 hours in the (inaudible).

15 **INMATE CHAVEZ:** Once we reach x amount of hours,
16 we are in the computer as part of the PIA Work
17 Industry. And they help us with work and needs through
18 them upon release.

19 **DEPUTY COMMISSIONER HARMON:** Okay. Go ahead.

20 **INMATE CHAVEZ:** Outside of that, I've just been
21 staying out of trouble, attending my self-help AA,
22 which I find is very important for myself, and working.

23 **DEPUTY COMMISSIONER HARMON:** Okay. Yeah, that
24 helps us a lot because I've got the C-File to go off of
25 and I want to make sure that everything corroborates
26 with what I've got right now. I'll return these to you
27 in just a little bit. You discussed with us here that

1 you have some Welding skills in 2000. You completed
2 the vocational Welding Technology Program.

3 **INMATE CHAVEZ:** Yes, Sir.

4 **DEPUTY COMMISSIONER HARMON:** And you carried
5 your skills into that particular area as a Finisher.

6 **INMATE CHAVEZ:** Yes, Sir.

7 **DEPUTY COMMISSIONER HARMON:** You've done some
8 work in -- Other work includes you've done some Yard
9 Crew work, Porter work, Cook work, Porter work, and you
10 continue to get good work reports for those jobs. When
11 you include -- You got your GED in '99.

12 **INMATE CHAVEZ:** '92.

13 **DEPUTY COMMISSIONER HARMON:** Okay, I'm going of
14 the chrono.

15 **INMATE CHAVEZ:** Okay.

16 **DEPUTY COMMISSIONER HARMON:** Okay, it's the
17 counselor's chrono. That's okay. You've got your GED.
18 I found a TABE Score of 12.9 -- 12.9 and a reading
19 level of 12.9. Self-help and group programs -- Let's
20 see here. You discussed it briefly. The Anger
21 Management in '05 was a video program, a three-hour
22 program.

23 **INMATE CHAVEZ:** Yes, Sir.

24 **DEPUTY COMMISSIONER HARMON:** And then the Inmate
25 Employability Program was also in '05. That was a
26 video.

27 **INMATE CHAVEZ:** Yes, Sir.

1 **DEPUTY COMMISSIONER HARMON:** And let's see. It
2 looks like in the late '90s you were involved with
3 Bible Studies and Ministries.

4 **INMATE CHAVEZ:** Yes, Sir.

5 **DEPUTY COMMISSIONER HARMON:** (Inaudible)
6 ministries and that. And back in '97, you were a
7 founding member of Lifers' Support Group, I believe, at
8 Pleasant Valley.

9 **INMATE CHAVEZ:** Yes, Sir.

10 **DEPUTY COMMISSIONER HARMON:** And you were in
11 that, and the Parenting Curriculum in 2000, the Impact
12 Workshop in '98. You started Criminon and you took
13 first segment. I think there are about 18 to 20
14 segments but you took The Way to Happiness in '97.

15 **INMATE CHAVEZ:** Yes, Sir.

16 **DEPUTY COMMISSIONER HARMON:** How come you never
17 went on and finished the whole series?

18 **INMATE CHAVEZ:** Well, I transferred from
19 Pleasant Valley to Soledad. And when I transferred
20 when I was trying to get a hold of a lot of these other
21 programs, they were just unavailable anymore.

22 **DEPUTY COMMISSIONER HARMON:** But that's
23 correspondence, isn't it?

24 **INMATE CHAVEZ:** Yes, Sir. Through mail like
25 I'll write them, and I would not get anything in
26 return, so I just moved on with what I could find
27 around here.

1 **DEPUTY COMMISSIONER HARMON:** What self-help did
2 you participate in with Dr. Gleason? What was that?

3 **INMATE CHAVEZ:** It was Anger and Self-Awareness.

4 **DEPUTY COMMISSIONER HARMON:** And what year was
5 that?

6 **INMATE CHAVEZ:** That was 2005.

7 **DEPUTY COMMISSIONER HARMON:** Did you keep a copy
8 of that? Did you do a book report?

9 **INMATE CHAVEZ:** Yes, I did.

10 **DEPUTY COMMISSIONER HARMON:** Do you want to
11 leave that with us during the intermission?

12 **INMATE CHAVEZ:** I don't -- She kept it. She
13 never returned the book report. All she did was give
14 me a chrono stating --

15 **DEPUTY COMMISSIONER HARMON:** Yeah, I've got the
16 chrono. That's why I wanted to -- I wanted to look at
17 the --

18 **INMATE CHAVEZ:** Yeah. She kept the book report.
19 She never returned the book report.

20 **DEPUTY COMMISSIONER HARMON:** Okay. And AA, you
21 been in that now for how long?

22 **INMATE CHAVEZ:** Since 1993.

23 **DEPUTY COMMISSIONER HARMON:** Okay. Are you
24 currently a Chair?

25 **INMATE CHAVEZ:** Excuse me?

26 **DEPUTY COMMISSIONER HARMON:** Are you currently
27 the Chair -- Chairman?

1 **INMATE CHAVEZ:** No. No, I get real nervous
2 speaking in front of big crowds. I just participate as
3 best as possible.

4 **DEPUTY COMMISSIONER HARMON:** Okay. Do you know
5 all Twelve Steps?

6 **INMATE CHAVEZ:** I know about seven of them. I
7 never really memorized all twelve. Mainly, the main
8 ones that I remember is to amend.

9 **DEPUTY COMMISSIONER HARMON:** Okay. Why haven't
10 you ever -- Why haven't you ever memorized all twelve
11 being in there since '93? You're got a 12.9 reading
12 level, which includes comprehension?

13 **INMATE CHAVEZ:** Well, to be honest, I don't
14 know. I could sit here and try to make something up
15 but I'm not. I've never really --

16 **DEPUTY COMMISSIONER HARMON:** I hope it's real
17 important to you.

18 **INMATE CHAVEZ:** Well, it is. As matter of fact,
19 if I may, I wear this acorn around my neck as a
20 reminder that I read the serenity prayer every morning
21 when I get up and when I go to bed. And I participate
22 because it's important to me because I realize that it
23 was because of my drinking that my life went the way
24 that it went. And I've done everything that I can to
25 correct that. Now I haven't sat there and memorized
26 all the Steps and everything, but I participate as best
27 I can. I was even Chairman when I was in Pleasant

1 Valley and there should be a chrono in there about
2 that. I did everything that I could with AA groups
3 including fundraisers and whatnot. But I just never --
4 When I worked through the Steps and was studying them,
5 I never really sat there to try to memorize them. I
6 watch a lot of guys that prepare for Board. And they
7 sit there, and they're cramming and trying to remember
8 them. I try to (inaudible). If it's true inside of
9 you, that's what really should matter.

10 **DEPUTY COMMISSIONER HARMON:** Okay. You also did
11 a 12-hour workshop, Laubach Workshop.

12 **INMATE CHAVEZ:** Yes, Sir.

13 **DEPUTY COMMISSIONER HARMON:** Did you ever get
14 involved in -- I was looking for chronos that might
15 have dealt with training individuals. Was it in
16 education?

17 **INMATE CHAVEZ:** Yes, it was in education. And
18 what I did is I would help inmates who couldn't speak
19 or understand English. I would help them translate,
20 and try to learn how to read English. I was a part of
21 that only for a short period of time. Shortly after
22 that, I was transferred out of Pleasant Valley where
23 the program was at.

24 **DEPUTY COMMISSIONER HARMON:** Okay. You've never
25 had a 115.

26 **INMATE CHAVEZ:** No, Sir.

27 **DEPUTY COMMISSIONER HARMON:** That's commendable.

1 You've only ever had four 128s, the last one was August
2 16th of 2000 for failing to respond, so it's obviously
3 very important that you've never been in trouble for
4 weapons or any type of violence. That's extremely
5 important. Does that pretty well cover your
6 accomplishments? I think we -- I try to do every page.
7 I don't think there's anything else that I can add to
8 any of that. Is there anything that we missed?

9 **INMATE CHAVEZ:** I mean outside of participating
10 with fellow inmates in programs such as being a part of
11 the football team and so forth and so on, no. But I
12 got a certificate here from one of the football
13 championships.

14 **DEPUTY COMMISSIONER HARMON:** Okay. Flag
15 football in '04.

16 **INMATE CHAVEZ:** Yes, Sir.

17 **DEPUTY COMMISSIONER HARMON:** Okay.

18 **INMATE CHAVEZ:** I participate in all, too, like
19 active sports as best as possible.

20 **DEPUTY COMMISSIONER HARMON:** That's good.

21 **INMATE CHAVEZ:** I think important to be able to
22 get along with all races and all people regardless of
23 where we're at.

24 **DEPUTY COMMISSIONER HARMON:** Okay. How about
25 anything else? Anything else we missed?

26 **INMATE CHAVEZ:** Well, the things that I'm
27 currently working on right now, I don't have

1 certificates on them right now, but I'm working on
2 getting my forklift license, which I was waiting for
3 the final test. But because of weather, we never got
4 around to it.

5 **DEPUTY COMMISSIONER HARMON:** That's usually just
6 a three-day program, isn't it? You should get over
7 that pretty quick.

8 **INMATE CHAVEZ:** Well, the way they're doing it
9 over there, they have so many people on the list that
10 we did the written and then we had to wait like five
11 months before we could do the walking -- walking test
12 in which you're graded on the driving test.

13 **DEPUTY COMMISSIONER HARMON:** Okay. Unless I --
14 Unless we've missed something else, I think we've got
15 it all. I've gone through every page of this. We're
16 going to go on to your doctor's reports. Now before we
17 do, I want to ask you a couple of very important
18 questions. If you remember, I'm doing post-conviction
19 factors; the things that occurred since you came to
20 prison to where we are today. So the question that I'm
21 going to ask you first of all is do you believe that
22 you still pose a risk to the safety to the people
23 outside of the prison walls today?

24 **INMATE CHAVEZ:** No, I don't.

25 **DEPUTY COMMISSIONER HARMON:** What do you believe
26 makes you a different man today than the man that came
27 into prison for the life crime?

1 **INMATE CHAVEZ:** Well, what makes me very
2 different is that I had a reality check. I had reality
3 check from the reckless drunk that I was into a person
4 that has been sober for the last 14 and a half years,
5 and have been actually awoken from the dead sleep of
6 being an alcoholic and a drunk. I spent all my time
7 drunk and never really realizing what was going on
8 around me. Just living life as it came. Over the last
9 few years, I've educated myself. I've learned a lot.
10 I've grown out of the immature ignorance that I had in
11 my life. And I've overcome many a difficulties that
12 have come my way.

13 **DEPUTY COMMISSIONER HARMON:** Okay. Let's look
14 at your psychiatric reports now. What I generally do
15 is take parts of your two most recent reports, so
16 listen carefully and you'll be given an opportunity to
17 add to that, okay. But your first report here and the
18 most current will be a report by Dr. Macomber,
19 M-A-C-O-M-B-E-R, a Psychologist, from March the 6th.
20 And in that report going to the area of clinical
21 assessment, he says in part under current mental status
22 and treatment needs and he's speaking to you, he says:
23 "Mr. Chavez related during the interview
24 in an open, (inaudible), talkative, and
25 cooperative manner. He was alert and well
26 oriented. His thinking was rational,
27 logical, and coherent. Affect was

1 appropriate. His judgment was intact.
2 His self-awareness and insight were good.
3 In the past, he has had a substance abuse
4 problem in the community. He readily
5 confesses that he used to be an alcoholic.
6 The commitment offense was related to his
7 extremely intoxicated condition. He
8 stated that he used to drink to the point
9 of blacking out. He also had a history of
10 addiction to cocaine for about one year
11 prior to his incarceration. Due to the
12 fact that he has remained clean and sober
13 for 14 years, this is certainly no longer
14 a current diagnostic problem. Due to the
15 fact that he has remained
16 disciplinary-free for 14 years, he cannot
17 be considered to have Antisocial
18 Personality Disorder at this time."

19 Under current diagnostic impressions, under Axis I: No
20 Mental Disorder. Axis II: No Personality Disorder.
21 And Axis V: A current GAF of 90. In the area of the
22 review of the life crime, the doctor wrote in part:

23 "Mr. Chavez openly accepted total
24 responsibility for his commitment offense.
25 He can remember some aspects of the
26 commitment offense. He was heavily
27 intoxicated on alcohol at the time and he

1 blacked out after the victim began
2 slapping him in the face. The argument
3 was over the fact that the victim wanted
4 him to leave his common-law wife at the
5 time and go live with her. When he told
6 her that he did not intend to do this, she
7 began slapping him. She tried to choke
8 him and he in turn choked her. He has no
9 memory of the offense after that. He
10 later realized that he had killed the
11 victim, who was in the car with him. He
12 removed her body from the car and then he
13 tried to leave the area but he was
14 apprehended. He was very sorry for what
15 he did. He stated that the memory of this
16 assault on the female victim is something
17 that he has to live with on a daily basis.
18 He knows that this has a very strong
19 negative impact on her family and he feels
20 badly about that. His feelings of remorse
21 appear to be sincere and genuine.
22 Mr. Chavez's history of (inaudible) was
23 due to his intoxication and poor judgment
24 at the time of his life. There's no
25 evidence to support the conclusion that he
26 has any kind of Psychosexual Disorder or
27 problems in his life."

1 Under assessment of dangerousness:

2 "In considering the potential for
3 dangerousness and behavior in the
4 institution, this man has grown, matured
5 (inaudible) over his years in custody. He
6 has good judgment and self-control at this
7 point in his life. As a result, the
8 potential for violent behavior in
9 comparison to other inmates is below
10 average. In considering potential for
11 dangerous behavior in the community, he
12 does pose any more risk than the average
13 citizen in the community. At the time of
14 commitment offense, present alcohol use
15 was a significant risk factor. However,
16 due to the fact, as noted above, this is
17 no longer a significant risk factor in his
18 life."

19 Under clinical observations, comments, and
20 recommendations in part:

21 "There are no mental and emotional
22 problems in this case that would interfere
23 with parole planning. The prognosis for
24 successful adjustment in the community in
25 this case is excellent."

26 And this is from Dr. Macomber. The prior report from
27 Jeff Howlin (phonetic) was from February '02. And

1 taking part of that report, the doctor starts out with
2 your history that you and the Commissioner have covered
3 pretty well there. Going to the area of clinical
4 assessment under current mental status and treatment
5 needs, the doctor wrote in part speaking of you:

6 "He was coherent, cooperative, calm, and
7 alert throughout the interview. There was
8 no evidence of mood or a thought disorder.
9 His judgment appeared to be sound. He
10 demonstrated what seems to be based on
11 past reports improved insight into his
12 commitment offense."

13 Under current diagnostic impressions:

14 "Under Axis I: Polysubstance Dependence
15 in Institutional Remission. Axis II:
16 Antisocial Personality Disorder Improving.
17 Axis V: A current GAF of 80. His
18 prognosis is positive in being able to
19 maintain his current mental status and
20 upon parole."

21 Under the heading of the review of the life crime in
22 part:

23 "He admits to being heavily intoxicated at
24 the time of the crime. He had consumed
25 both alcohol and cocaine prior to the
26 event. He accepts (inaudible)
27 responsibility and says, quote, 'It was a

1 tragic accident. I take full
2 responsibility.' End of quote. He
3 admitted to not remember much of the even
4 and being quite intoxicated. He appeared
5 to be remorseful when discussing the death
6 of the victim."

7 Under assessment of dangerousness in part:

8 "It would appear that he has made some
9 gains psychologically as compared to some
10 of his behavior prior to his
11 incarceration. Violence potential within
12 a controlled setting is estimated to be
13 average relative to the level-two inmate
14 population. And if released to the
15 community, his violence potential is
16 estimated to be slightly higher than the
17 average citizen in the community.
18 Clearly, the most significant risk factor,
19 which could be a precursor to violence for
20 Inmate Chavez, would be continued abuse of
21 alcohol and/or drugs. He minimizes
22 somewhat his substance abuse issues;
23 therefore, should this man use substances
24 again, his violence potential would be
25 considered much higher than the average
26 citizen in the community."

27 Under clinical observations, comments, and

1 recommendations in part:

2 "This inmate is competent and responsible
3 for his behavior. This inmate does not
4 have a mental health disorder, which would
5 necessitate treatment either during his
6 incarceration period or following on
7 parole. Continue efforts to seek
8 self-knowledge and greater understanding
9 of behavior patterns through self-help
10 groups offered and as available within
11 CDC."

12 And that's part of Dr. Howlin's report. So,
13 Mr. Chavez, what I've done, like I've told you, I've
14 taken parts of the two most recent doctor's reports,
15 parts of your counselor's reports, and parts of your
16 entire institutional adjustment. I may have
17 inadvertently left out areas important to you and your
18 attorney. I'm going to return to the Chair here,
19 because we're going to go into your parole plans and
20 any other questions that we want to ask you. Before we
21 do, is there anything you'd like to add to the areas
22 that I've covered?

23 **INMATE CHAVEZ:** No, Sir.

24 **DEPUTY COMMISSIONER HARMON:** Did we cover things
25 okay?

26 **INMATE CHAVEZ:** Yes, Sir.

27 **DEPUTY COMMISSIONER HARMON:** Counselor?

1 **ATTORNEY RUTLEDGE:** Yeah.

2 **DEPUTY COMMISSIONER HARMON:** Okay, thank you.
3 I'll return to the Chair.

4 **PRESIDING COMMISSIONER KUBOCHI:** Thank you. In
5 regard to your response to Commissioner Harmon that you
6 feel you are not a danger and your willingness to talk
7 about the life crime itself, in looking at the
8 probation report and statement, it's a quote regarding
9 your version of facts, quote:

10 "It was a Mother F-ing accident. I fled
11 so my witnesses would not get hurt coming
12 to court. A family member of other gangs
13 was involved. I want to go to a prison
14 facility in Southern California."

15 Unquote. That doesn't sound like a person who admitted
16 guilt back in 1993.

17 **INMATE CHAVEZ:** I admitted and accepted full
18 responsibility from the beginning when I was in the
19 police station. When I started going to court, and my
20 family tried coming to court, it would (inaudible) and
21 that's when I made that comment to the probation
22 officer's report. That was after I took off. The
23 people are in -- it was before. But if you read the
24 police report from the beginning, I was (inaudible)
25 from the very beginning I accepted responsibility from
26 the very beginning. I never tried denying, or hiding,
27 or ducking from and of it.

1 **PRESIDING COMMISSIONER KUBOCHI:** When you were
2 detained by the police, you were in a 1973 Chevrolet
3 vehicle. Is that correct?

4 **INMATE CHAVEZ:** Yes, Sir.

5 **PRESIDING COMMISSIONER KUBOCHI:** That was the
6 victim's, Sonia Sanchez's, vehicle, right?

7 **INMATE CHAVEZ:** Yes, Sir.

8 **PRESIDING COMMISSIONER KUBOCHI:** Why did you
9 take her vehicle after she was dead?

10 **INMATE CHAVEZ:** I just really didn't remember
11 too much. I panicked. I was afraid. And when I
12 panicked, I tried to leave.

13 **PRESIDING COMMISSIONER KUBOCHI:** When you were
14 booked, there was an inventory search and they found
15 two women's gold bracelets, one with the name Sonia on
16 a nameplate and two gold rings. One of the -- They
17 appeared to be female. Detective Dougherty, in
18 participating with the review of the victim's body,
19 indicated that to him in the presence of the coroner it
20 looked like the victim had a ring on her left finger
21 recently taken off because there was an impression on
22 that ring finger. And you had two women's gold rings
23 on your person at the time of inventory. How did
24 these -- How did you come into possession of Sonia's
25 jewelry if this was just something that happened as a
26 result of her getting made at you?

27 **INMATE CHAVEZ:** When they pulled me out of the

1 car, the stuff that was sitting on the seat, they put
2 on me when they stood me outside of the car. And they
3 were on me when they pulled me into the police station.
4 Those items were all in the car when she had removed
5 her jewelry from her hands and neck.

6 **PRESIDING COMMISSIONER KUBOCHI:** And Officer
7 Davis, that's 3686, indicated during the booking he
8 noticed bloodstains on the front of your boxer shorts.
9 Did he see blood on the front of your boxer shorts?

10 **INMATE CHAVEZ:** I actually don't remember. They
11 said that there was. And they said there was some
12 blood on my hands. But I don't remember any blood.

13 **PRESIDING COMMISSIONER KUBOCHI:** And the coroner
14 in listing his cause of death indicated strangulation,
15 but he also he found indications of sodomy. And you
16 understand what sodomy is, don't you?

17 **INMATE CHAVEZ:** Yes, I do.

18 **PRESIDING COMMISSIONER KUBOCHI:** He noticed a
19 dilation of the anal ring. There was some hemorrhaging
20 around -- and I'm going to spell it, A-N-O-R-E-C-T-A-L
21 M-U-C-O-S-A-L hemorrhaging, anal laceration.

22 **DEPUTY COMMISSIONER HARMON:** Excuse me.

23 [Off the record.]

24 **DEPUTY COMMISSIONER HARMON:** And go ahead.

25 **PRESIDING COMMISSIONER KUBOCHI:** Also vaginal
26 laceration. And it's your contention there was no sex?

27 **INMATE CHAVEZ:** There was no sex. There was

1 foreplay when we were messing around in the car before
2 the argument. And like I explained before in the past
3 in past Boards, the only information I have for that is
4 while we were sitting around there and messing around
5 playing with each other, that's the only result it
6 could have been from that. But we never had no kind of
7 sexual intercourse, but we were messing around,
8 kissing, excuse my language, ass grabbing, and whatnot.

9 **PRESIDING COMMISSIONER KUBOCHI:** Well, you
10 remember that but you don't remember killer her.

11 **INMATE CHAVEZ:** Like I said, when we started
12 arguing and fighting, I was still drinking. And I
13 remember bits and pieces of it and I put a lot of it
14 together from the police report and the court reports
15 that I received over the year that I asked for. But
16 for most of it, I don't.

17 **PRESIDING COMMISSIONER KUBOCHI:** In looking at
18 the officer's report who stopped you, I don't notice
19 any empty containers of alcohol in your car by his
20 observations.

21 **INMATE CHAVEZ:** I couldn't explain that at all.

22 **PRESIDING COMMISSIONER KUBOCHI:** And once again,
23 what is it that caused you to kill this woman?

24 **INMATE CHAVEZ:** Because when we were drunk and
25 started arguing and fighting. Once she hit me, I
26 assume that I got real angry and that's when I blacked
27 out. When I came to, she was lying right there next to

1 me dead.

2 **PRESIDING COMMISSIONER KUBOCHI:** Why did you
3 drag her out and leave her on the beach?

4 **INMATE CHAVEZ:** That's when I panicked. I
5 pulled her out of the car and I started to leave.

6 **PRESIDING COMMISSIONER KUBOCHI:** And you didn't
7 call 911 for medical aid, right?

8 **INMATE CHAVEZ:** No, Sir.

9 **PRESIDING COMMISSIONER KUBOCHI:** And you didn't
10 know at the time she dead when you pulled her out of
11 the car, did you?

12 **INMATE CHAVEZ:** No, Sir.

13 **PRESIDING COMMISSIONER KUBOCHI:** Then why did
14 you leave her there?

15 **INMATE CHAVEZ:** Because I panicked. I was
16 afraid.

17 **PRESIDING COMMISSIONER KUBOCHI:** I have no
18 further questions. Commissioner Harmon?

19 **DEPUTY COMMISSIONER HARMON:** No, Commissioner.
20 You covered a lot of areas that I was going to cover.
21 I've just a little more. You said that you were both
22 intoxicated. I'm reading the coroner's report here and
23 the only thing in her system and I'm referring to the
24 results. Her blood alcohol was .09 meaning that it
25 would have been illegal to drive but she sure wouldn't
26 be blindly drunk with that kind of a BA. I don't --
27 Why do you say she was intoxicated? What are you

1 basing that on?

2 **INMATE CHAVEZ:** I was talking about myself being
3 intoxicated. I mean I know that she had been drinking
4 while we were at the party. When she picked me up, we
5 were drinking. But I started drinking early that
6 morning. I really don't know how much she had to
7 drink.

8 **DEPUTY COMMISSIONER HARMON:** I thought you said
9 we were intoxicated.

10 **INMATE CHAVEZ:** Well, we both had been drinking.
11 I mean I couldn't tell you exactly how much she had to
12 drink. I just know how much I had to drink.

13 **DEPUTY COMMISSIONER HARMON:** There were
14 footmarks on the back of her clothes. Do you remember
15 kicking her?

16 **INMATE CHAVEZ:** No, Sir.

17 **DEPUTY COMMISSIONER HARMON:** Did you cut her
18 with any type of instrument?

19 **INMATE CHAVEZ:** No, Sir.

20 **DEPUTY COMMISSIONER HARMON:** One of my big
21 concerns is that for some reason you don't have any
22 memory of some pretty significant parts of this
23 particular crime. And with no understanding of what it
24 is that happened, how can I be assured that you
25 wouldn't do the same thing again if you were released
26 into the community?

27 **INMATE CHAVEZ:** I understood what happened and

1 it took me years of talking, studying books, reading my
2 transcripts from court, the police report, the
3 coroner's report, talking to friends that were around,
4 and I understood and I've accepted what happened. And
5 like I said, the main issue of it was me and my
6 drinking. And that's one of the things that I know for
7 a fact that I would never ever do again. I will never
8 touch it or get near it again at all.

9 **DEPUTY COMMISSIONER HARMON:** Well, even
10 yourself, I mean, you're male.

11 **INMATE CHAVEZ:** Yes, Sir.

12 **DEPUTY COMMISSIONER HARMON:** And being extremely
13 intoxicated and trying to make love to the lady,
14 there's a lot that goes into that kind of relationship
15 at that particular time, and yet your memory has for
16 some reason gone blank. I still don't understand why.
17 I honestly don't understand why you don't remember if
18 you were involved in that kind of activity with her
19 just prior to murdering her.

20 **INMATE CHAVEZ:** When we -- Like I explained
21 before when we were sitting there talking, it wasn't
22 something that we had -- were continuing. It was
23 something that I was trying to mend. And I don't know
24 if I could explain it as anger at being drunk or just
25 ignorant. But I've done my best to remember as much of
26 it as I can. I've spoken openly about it, and I've
27 done my best to accept everything that I was told that

1 happened and what I had done to the fullest. You know
2 I never sat here and tried to deny or lie doing things.

3 **DEPUTY COMMISSIONER HARMON:** No, that's not what
4 I'm implying. That's not what I'm implying, not at
5 all. I guess what I'm trying to get across is just
6 about everybody walks in here and says I have great
7 remorse, I'm really sorry for what happened, I take
8 full responsibility is probably what we hear probably
9 four out of five times a day, three out of four. But
10 what makes you different is that when I was listening
11 to you talk to the Commissioner, you have for some
12 reason blanked out your memory of what occurred during
13 this incident other than what you've read and what
14 you've heard and I don't understand why. I don't have
15 any reason to believe that you were suffering from any
16 type of serious mental problem at the time whether it
17 was alcohol induced or whether it was psychiatric or
18 whatever. So I'm trying to get a better understanding
19 of what was going on in your mind then and now because
20 I don't want you going out and doing it again. You've
21 got me worried.

22 **INMATE CHAVEZ:** I mean I couldn't explain it. I
23 wish I could say don't worry, it isn't going to happen,
24 and it's over with, but I understand -- I understand
25 your concerns. I really do.

26 **DEPUTY COMMISSIONER HARMON:** Okay.

27 **INMATE CHAVEZ:** And I really wish that there was

1 a right answer.

2 **DEPUTY COMMISSIONER HARMON:** You cut your own
3 wrists in about '95, didn't you?

4 **INMATE CHAVEZ:** Yes, Sir.

5 **DEPUTY COMMISSIONER HARMON:** Why did you do
6 that?

7 **INMATE CHAVEZ:** It was for self-protection. I
8 had -- The victim's family was trying to get to me on
9 the yard. When I went to the CO's, they just laughed
10 it off, and pushed me aside, and told me to just go in
11 the building. So I cut myself so they could get me off
12 the yard.

13 **DEPUTY COMMISSIONER HARMON:** But you threatened
14 to hurt yourself again, didn't you?

15 **INMATE CHAVEZ:** No, Sir.

16 **DEPUTY COMMISSIONER HARMON:** You didn't? You
17 didn't remember telling that to the officers?

18 **INMATE CHAVEZ:** No, Sir.

19 **DEPUTY COMMISSIONER HARMON:** Okay. I'll bring
20 it back up again. I'll have to look it up again, but
21 it was something that I had read earlier. That was the
22 only time you had cut your wrists?

23 **INMATE CHAVEZ:** Yes, Sir.

24 **DEPUTY COMMISSIONER HARMON:** Okay. The only
25 other thing just for clarification, you said to the
26 Commissioner here earlier and I got them as an exact
27 quote. I tried to write it down this thing about it

1 being a tragic accident. Do you believe that it's an
2 accident today?

3 **INMATE CHAVEZ:** No, Sir.

4 **DEPUTY COMMISSIONER HARMON:** What do you believe
5 it is?

6 **INMATE CHAVEZ:** I believe that it was ignorance
7 completely from being stupid and drunk. It's not an
8 accident at all. There were circumstances from my own
9 actions.

10 **DEPUTY COMMISSIONER HARMON:** So when did it go
11 from an accident to where it is today? Because looking
12 in the doctor's reports, you know it wasn't that long
13 ago that you said it was a tragic accident.

14 **INMATE CHAVEZ:** I always believe that anything
15 that happens, whether it's someone or hurts people
16 (inaudible) do something and even if it is an accident,
17 but accepting the responsibility of it I see it in two
18 different ways. One, that it was my stupid actions and
19 my stupidity and the other one that it was sad
20 accident. It wasn't purposely or intentionally what I
21 went out to do.

22 **DEPUTY COMMISSIONER HARMON:** Okay. I'm still
23 caught up where the Commissioner is. You don't
24 remember your hands around her throat?

25 **INMATE CHAVEZ:** No, Sir.

26 **DEPUTY COMMISSIONER HARMON:** You know it's very
27 difficult to kill a human being, to strangle them. You

1 know it's very difficult. It doesn't just happen
2 instantly.

3 **INMATE CHAVEZ:** I've been told so.

4 **DEPUTY COMMISSIONER HARMON:** And you don't
5 remember the length of time that it took to strangle
6 this woman?

7 **INMATE CHAVEZ:** No, Sir.

8 **DEPUTY COMMISSIONER HARMON:** Thank you,
9 Commissioner. I'll return to the Chair.

10 **PRESIDING COMMISSIONER KUBOCHI:** Sir, pursuant
11 to the Penal Code Section 3042, notices have gone out
12 to law enforcement agencies and next of kin in regard
13 to their legal right to make a statement in regard to
14 your suitability and also in regard to any letters of
15 support for your suitability. The District Attorney's
16 representative, Mr. Eastman, is here as a result of
17 that notice. At this point in time, he is allowed to
18 ask questions of the Panel, which in turn your
19 responses will be to the Panel. Mr. Eastman?

20 **ATTORNEY RUTLEDGE:** Commissioner, could I
21 interject just -- My client did want to object to The
22 People being here, asking questions, and giving their
23 opinion. He feels that he made an agreement with them
24 in his plea bargain and that by them being here today
25 that it's a violation of the agreement that he made
26 with them.

27 **PRESIDING COMMISSIONER KUBOCHI:** Except the DA

1 has a right to be here under 3042.

2 **ATTORNEY RUTLEDGE:** Well, it actually says that
3 they may be here. It doesn't say they shall be here or
4 they have to be here. It says they may. It's up to
5 the Panel as to whether or not they're going to allow
6 them to be here.

7 **PRESIDING COMMISSIONER KUBOCHI:** We're allowing
8 him to be here.

9 **ATTORNEY RUTLEDGE:** Thank you.

10 **PRESIDING COMMISSIONER KUBOCHI:** Mr. Eastman?

11 **DEPUTY DISTRICT ATTORNEY EASTMAN:** He was a
12 member of the Florence Gang or a gang with a name of
13 Florence. Would you ask him is he was a member of a
14 Florence 13 Gang?

15 **PRESIDING COMMISSIONER KUBOCHI:** Were you a
16 member of the Florence 13 Gang?

17 **INMATE CHAVEZ:** No, Sir. I was associated
18 because of my family. Them being from that
19 neighborhood that I was associated when I was
20 incarcerated.

21 **PRESIDING COMMISSIONER KUBOCHI:** Thank you for
22 your answer.

23 **DEPUTY DISTRICT ATTORNEY EASTMAN:** What
24 neighborhood was that?

25 **PRESIDING COMMISSIONER KUBOCHI:** Sir, what
26 neighborhood?

27 **INMATE CHAVEZ:** The neighborhood that he

1 mentioned, the Florence Gang.

2 **PRESIDING COMMISSIONER KUBOCHI:** Florence.

3 **DEPUTY DISTRICT ATTORNEY EASTMAN:** But what part
4 of Los Angeles area was that area?

5 **INMATE CHAVEZ:** That's off of Compton and
6 Florence in the South Central Los Angeles area.

7 **PRESIDING COMMISSIONER KUBOCHI:** Thank you, sir.

8 **DEPUTY DISTRICT ATTORNEY EASTMAN:** Does he have
9 a tattoo on his left hand?

10 **PRESIDING COMMISSIONER KUBOCHI:** He has a tattoo
11 on his left hand.

12 **DEPUTY DISTRICT ATTORNEY EASTMAN:** That's all
13 the questions I have.

14 **PRESIDING COMMISSIONER KUBOCHI:** Okay.
15 Mr. Rutledge, it is your opportunity to ask any
16 questions of your client, as you deem necessary.

17 **ATTORNEY RUTLEDGE:** No questions.

18 **PRESIDING COMMISSIONER KUBOCHI:** Thank you. At
19 this time, Mr. Chavez, the District Attorney, your
20 attorney, and you will be permitted to make a final
21 statement. And I will now ask the District Attorney
22 for his closing statement.

23 **DEPUTY DISTRICT ATTORNEY EASTMAN:** I want to
24 start my remarks by saying that I don't want to give up
25 on this prior rape arrest. I understand that a Board
26 investigator, which all of this is in the file,
27 inquired and learned that that rape arrest was rejected

1 because they thought they had the wrong victim.

2 **PRESIDING COMMISSIONER KUBOCHI:** Well, I'm not
3 going to allow any statement about a case with no
4 conviction, sir.

5 **DEPUTY DISTRICT ATTORNEY EASTMAN:** Okay. Okay.

6 **PRESIDING COMMISSIONER KUBOCHI:** We are not here
7 to relitigate guilt or innocence (inaudible) underlying
8 crime, but even more so on the cases that did not
9 result in a conviction. You had the chance back in
10 1992 to do that.

11 **DEPUTY DISTRICT ATTORNEY EASTMAN:** Well, we have
12 the report in the file, with all due respect. The
13 report has been in the file from the beginning.

14 **PRESIDING COMMISSIONER KUBOCHI:** I'm not
15 allowing any comment on that.

16 **DEPUTY DISTRICT ATTORNEY EASTMAN:** Commissioner,
17 I'm a little bit surprised because in all of the other
18 hearings that I've attended for many, many years going
19 back as probably as long as 25 years, when we have a
20 fact scenario that's been part of the record from the
21 beginning --

22 **PRESIDING COMMISSIONER KUBOCHI:** I have made my
23 ruling (inaudible).

24 **DEPUTY DISTRICT ATTORNEY EASTMAN:** Okay. Moving
25 on, the only information we have that the inmate
26 blacked out is from what he has told -- told
27 consistently from the beginning. As has been discussed

1 here today, it really doesn't hold together. The
2 sexual aspects, if you're that drunk, you cannot as a
3 male perform sexually. Right there I think is a point
4 upon which that story can be challenged. This to me
5 reading this report, this inmate had and probably still
6 has a very tough time getting along with women. I just
7 want to reiterate to belabor the obvious that this is
8 very horrible crime. In reading the comments of
9 Commissioner Fisher at the last hearing, she went on
10 about how horrible this crime was. And I don't see
11 that this inmate from the beginning has come to grips
12 with this offense. I think he lacks insight. He lacks
13 remorse. I think he is mouthing the words of remorse.
14 And as such, there is a serious question of how much he
15 can be relied on and how much of a danger he is. He is
16 to be complimented for his conduct in the institution.
17 I think the parole plans are a bit on the weak side,
18 but other than that, the things he has done are worthy
19 of compliment. But going back to the facts of the life
20 crime and to his -- the way he has reacted to the life
21 crime over all of these years, I just -- I think he
22 needs more time. I think he needs to be more candid
23 about what happened. I think he needs to not only
24 mouth the fact that he has remorse but -- but I think
25 he needs to demonstrate to Panels that he really
26 understands what happened. And it was horrible and
27 that he cannot be allowed back on the streets until he

1 really understands what he did in this case and perhaps
2 in others. I do notice in the conversation and that's
3 why -- one of the reasons I asked about the gang. He
4 hung with a gang in South Central Los Angeles in the
5 Newton Division quite a ways away from Long Beach.
6 He's talking about this particular victim and this
7 particular offense happened in Long Beach, which is
8 quite a ways away from Florence Avenue, and he's
9 talking about the victim's family in this case having
10 gang affiliations and threatening him and causing him
11 to slash his wrists. I think there are severe problems
12 with that part of the story. I think he still has some
13 sort of gang affiliation or gang thoughts on the
14 street, and I think that further complicates his
15 applications to be let out. Thank you very much.

16 **PRESIDING COMMISSIONER KUBOCHI:** Thank you,
17 Counsel. Mr. Rutledge, it's your opportunity to
18 address the Panel.

19 **ATTORNEY RUTLEDGE:** Thank you, Commissioner.
20 There's no doubt and my client is very aware that these
21 are one of those cases where it -- it's bad facts.
22 It's just -- It is an ugly life crime as far as what
23 happened. And my client is remorseful as to what
24 happened. But we will say, okay, because there's bad
25 facts and it's a bad life crime as far as what
26 happened. Does that mean that he stays locked up
27 forever? No. The legislature in their wisdom has

1 determined that if he does what he is supposed to be
2 doing, he programs, he shows that he is remorseful and
3 has been doing the self-help, and all the things that
4 he's supposed to be doing, then he gets a chance to
5 parole regardless of the fact that the life crime is a
6 bad life crime, which is what we have in this case.
7 And I understand the Commissioners' concerns saying
8 that, well, you know, you're saying you blacked out but
9 it's hard to understand that. And what evidence do we
10 have that shows that he actually did black out? Well,
11 I think what he's been telling the Panel is in fact
12 where we have the evidence. And the evidence is in
13 fact saying that and you can look at the documentation
14 that's been provided by The People in the past in
15 saying that they were partially undressed, but they
16 never did complete the sex act. Now it's been
17 mentioned that in fact when you get heavily -- when a
18 male gets heavily intoxicated, it's very difficult to
19 perform. And in fact when we look at the autopsy,
20 there isn't any showing that there's any sperm or
21 anything along those lines that would indicate that the
22 act actually was performed. There is indication
23 showing that there was heavy petting and there was some
24 penetration based on that. That's consistent with what
25 my client is saying, so he's saying that he was drunk
26 and that he blacked out. The fact that they didn't
27 perform the act is consistent with what my client is

1 saying. When we look at the psychiatric reports, we
2 see what we would want to see. We see that there was
3 progression of getting better and that's exactly what
4 we have. We have the most recent report saying that
5 he's no more danger to society than the average
6 citizen. He grew up in a fairly stable social history.
7 We've got his mom and step dad there. His step dad was
8 a welder. His mom was selling Avon and that's about as
9 American as you can get, his mom out there selling
10 Avon. He doesn't have any 115s. That's really unusual
11 to see. And again, he should be commended for that.
12 The four 128s are pretty minor and the most recent one
13 was back in 2000. He has been doing self-help. He's
14 been doing AA/NA, his Anger Management, working in the
15 PIA. And I think he's got great parole plans. He's
16 got a couple of residential options. He's got several
17 options as far as work goes. He's got the roofing
18 company offer. He's got the bakery offer. And
19 something that hasn't really been mentioned, he's got
20 vocational skills both in Wood Products and Welding
21 that will allow him to be able to get job as well. So
22 based on all the hard work that he's done while he's
23 been in, I would ask that he be given a date. Thank
24 you.

25 **PRESIDING COMMISSIONER KUBOCHI:** Thank you for
26 your comments. Mr. Chavez, this is your opportunity to
27 speak with the Panel.

1 **INMATE CHAVEZ:** First and foremost, I've got to
2 mention that whether I'm released or not, I truly am
3 sorry for actions and what I've done. Over the years,
4 I struggled with it. And I've studied, and I've
5 learned and I grew within myself. And even with all
6 that I still suffer with it. It still pains me when I
7 think about it. But I've accepted it and I've done my
8 best to move forward and to rehabilitate the best that
9 I can. I do all my self-help programs. And with no
10 disrespect to the Board or anybody, but I don't do them
11 for anyone else but for myself to improve myself and to
12 help myself to better myself. And I've done everything
13 that I've been told year after year after year. I've
14 done everything I've ever been told to do. Every time
15 they told me to this, do that, I always do it. I don't
16 want to disrespect people. I don't get into fights. I
17 don't argue. I just do what I'm told. And it was an
18 ugly crime and I am sorry. I wish I could say if I
19 could change this, I could change that, but I can't,
20 you know. What's done is done. And I wish there was a
21 magic wand, and go back and change it, but I can't.
22 And I wanted to read a comment from my last Board
23 hearing that Commissioner Fisher made. And it's on
24 page 65 of my transcripts where Commissioner Fisher
25 stated:

26 "I want to tell you that this is a
27 one-year denial. And I don't give

1 one-year denials unless I think someone is
2 really close to being suitable for parole
3 and we're real close."

4 Commissioner Fisher will be one of the most hardest
5 Commissioner that I've ever heard of. When we held
6 this hearing, we communicated clearly. And she made
7 those comments to me, and at the end when I got my
8 denial, she also made the comment on hoping that I come
9 in here and (inaudible) found suitable this following
10 year if I took care of those issues that I need to take
11 care of. And I've done everything that was asked of me
12 (inaudible) to this Panel. So I ask this Panel to
13 please look deep into your hearts, and look at
14 everything before you, and please find me suitable.

15 **PRESIDING COMMISSIONER KUBOCHI:** Thank you for
16 your comments. It's 3:44. We will be in recess for
17 deliberations.

18 **ATTORNEY RUTLEDGE:** Thank you, Commissioners.

19 **R E C E S S**

20 **--oOo--**

21

22

23

24

25

26

27

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER HARMON: And you're on
4 record.

5 PRESIDING COMMISSIONER KUBOCHI: It's four p.m.
6 in the matter of Juan Chavez, H-74168. Mr. Chavez, the
7 Panel has reviewed all information received from the
8 public and relied upon the following circumstances in
9 concluding that you are not suitable for parole and
10 would pose an unreasonable risk of danger to society or
11 a threat to public safety if released from prison. In
12 review of the manner in which this crime was carried
13 out, we find it was an especially cruel and callous
14 manner in that this woman, who was a casual friend of
15 yours, was killed through strangulation. As
16 Commissioner Harmon pointed out, strangling somebody by
17 hand is not an easy thing to do. I note that in all of
18 the reports filed with this case that are part of the
19 Board report that there were very few injuries on your
20 person, which would indicate that this victim was
21 totally rendered defenseless and was strangled with
22 your hands with very little provocation or
23 justification for such a -- for such an act. The
24 reasons you've given in the past were that you were --
25 she got upset because you wouldn't leave your
26 girlfriend, but it was a casual relationship at best by
27 JUAN CHAVEZ H-74168 DECISION PAGE 1 3/5/2007

1 reading all the reports. You had casual sex with her.
2 There's no justification to kill somebody with your
3 hands. We're not talking about self-defense. We're
4 not talking about any of that. The victim -- The
5 victim's body pursuant to the autopsy report indicated
6 injuries to her anus and her vagina. What was
7 particularly difficult for you explain was you had
8 taken her car. You claim that you strangled her but
9 you blacked out when you did that. You take her out of
10 a car. You drag her onto a beach. Her jewelry is
11 found in -- The reports say it was taken from your
12 pocket; two women's rings, one bracelet -- two
13 bracelets, one with Sonia written on it was taken from
14 your pocket, and yet you say that was all a result of
15 you panicking. So rather than having insights from you
16 through introspection and thinking about the causes --
17 the underlying causes within you that would cause you
18 to strangle somebody, this Panel hears black out from
19 alcohol, and a distancing from -- an attempt to
20 distance yourself from moral responsibility by just
21 blaming alcohol. And yet when it comes to
22 rehabilitation, you say well, I won't drink again. And
23 we find that it's not convincing. That in order for
24 you to be found a suitable candidate, that you're not
25 an unreasonable risk of danger to society, you're going
26 to have to explain all these factors as to why whatever

1 happened in that car would justify you taking the life
2 of another with your own hands. We find that you have
3 failed to develop insights into the life crime and the
4 underlying causes within you. You were on probation at
5 the time of this offense. You had just been convicted
6 of a misdemeanor burglary and had been placed on
7 probation. You are -- You have done well with your AA,
8 but your problem with alcohol preceded your
9 relationship with this woman. The difficulties with
10 alcohol abuse will last way longer than the time of the
11 life crime. But alcohol wasn't the sole reason for you
12 to have committed this crime. You committed the crime,
13 not alcohol. There are many people who drink alcohol
14 that never commit any violence or harm somebody else.
15 We've heard from the opposition from the Los Angeles
16 County representative pursuant to Penal Code Section
17 3042. And we make the following findings: That you
18 need therapy in order to face, and discuss, and
19 understand, and cope with stress in a nondestructive
20 manner. Until progress is made, you continue to be
21 unpredictable and a threat to others. We also find
22 that your gains such as the Anger Management Classes,
23 and we are giving you credit for the AA, but the Anger
24 Management Classes are recent in nature and we find
25 that there has -- there's a need to demonstrate the
26 ability to maintain gains over an extended period of

1 time. In a separate decision, the Panel finds that is
2 not reasonable to expect that parole would be granted
3 at a hearing during the next two years. This case was
4 a very dispassionate, callous act. Your act of
5 dragging this woman onto a beach outside of the car and
6 it was her own car. I also note in the reports that
7 when you were detained and questioned by the police
8 after you were removed from the police car and they
9 found a registration to that car inside the patrol car.
10 There would be no reason for somebody who had blacked
11 out and panicked to have all of these acts that would
12 definitely show some consciousness and awareness of
13 what was going on. And that's why we find your
14 explanations not to be credible enough to find that you
15 are not a danger to society. This matter -- The way
16 that this was carried out shows a callous disregard for
17 human suffering. There's no worse way than to kill
18 somebody with your own hands. And as I have indicated
19 before, you were on probation when this crime was
20 committed and that has to be taken into consideration
21 when there is a finding as to whether or not you are
22 suitable for release. I am making a finding that for
23 your next Panel a psychologist examination would be
24 beneficial in regard to your propensity for violence in
25 a free society, the extent that alcohol and drugs
26 contributed to this crime, but also more importantly,

1 your ability to refrain from alcohol and drug abuse in
2 the future in a free society. We're also going to ask
3 for a psychosexual analysis in regard to whether or not
4 there are some deep-seated problems in regard to your
5 relationship with woman, as pointed out by the District
6 Attorney. We're not saying you have them, but you're a
7 young man. You have a whole life ahead of you
8 notwithstanding the life crime that put you currently
9 behind bars. You're going to want companionship in the
10 future with a significant other. And what I personally
11 recommend is that you start doing some self-study books
12 in that regard so that you can assure the Panel that
13 you won't have this anger problem with people -- with
14 women that you live with. For whatever reason, and I
15 didn't play amateur psychologist, for whatever reason,
16 something triggered deep within you that caused you to
17 commit a murder. And I think the more that you address
18 this with the Panel, you're going to provide greater
19 assurances that you're -- that one of two scenarios;
20 you're not a ticking time bomb in regard to anybody,
21 male or female, that gets you mad, but if you establish
22 a long-term relationship in a free society, that you
23 really can recognize stress factors and you've
24 developed coping mechanism so that you won't even get
25 into a heated argument, let alone a physical
26 altercation with a female. I think it's very

60

1 important. You can disregard what I'm recommending,
2 but these are factors that pertain not only to this
3 life crime, but you can see the District Attorney's
4 Office has noted the same -- has noted the same
5 observation. And we would like to have some assurances
6 as to whether or not the psychologist believes at your
7 next hearing of whether or not further therapy programs
8 could benefit you. I have recognized how well you've
9 done. You have an excellent work record. You've gone
10 through AA. But for somebody to commit murder, to me,
11 those are starting points for you to gain back the
12 credibility to really freely and openly discuss your
13 suitability for parole. I'm not minimizing that. I'm
14 giving you the credit for that. But you have to be
15 able and willing to talk about the dynamics is the best
16 way I can -- the dynamics, the factors that would cause
17 you to get so angry with a woman that you would kill
18 her with your bare hands. Commissioner?

19 **DEPUTY COMMISSIONER HARMON:** About the only
20 thing I can add is, you know being in the Twelve Step
21 Program since '93, I would sure think that you would
22 know the Steps and be able to belabor to those Steps,
23 you know, if not for yourself, for the victim if you
24 really had sincere remorse. That would be extremely
25 important. But the Commissioner covered it very well.
26 Those are my concerns and it was very well expressed.

27 **JUAN CHAVEZ H-74168 DECISION PAGE 6 3/5/2007**

61

1 And I will return to the Chair. I wish you luck, sir.

2 **PRESIDING COMMISSIONER KUBOCHI:** I have nothing
3 further to say. It's 4:10. And continue on with being
4 discipline-free.

5 **ATTORNEY RUTLEDGE:** Thank you, Commissioners.

6 **A D J O U R N M E N T**

7 **--oOo--**

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23 **PAROLE DENIED TWO YEARS.**

24 **THIS DECISION WILL BE FINAL ON: July 3, 2007**

25 **YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT**

26 **DATE, THE DECISION IS MODIFIED.**

27 **JUAN CHAVEZ H-74168 DECISION PAGE 7 3/5/2007**

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, TAMYRA MORGAN, a duly designated transcriber, NORTHERN CALIFORNIA COURT REPORTERS, do hereby declare and certify under penalty of perjury that I have transcribed one audio recording which covers a total of pages numbered 1 - 61, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of JUAN CHAVEZ, CDC No. H-74168, on MARCH 5, 2007, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned audio recording to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated APRIL 10, 2007 at Sacramento County, California.

A handwritten signature in cursive script that reads "Tamyra Morgan". The signature is written in black ink on a light-colored background.

Tamyra Morgan Transcriber
Northern California Court Reporters